

REMARKS

The Office Action dated March 13, 2006 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-21 and 24-42 have been amended. No new matter has been added, and no new issues are raised which require further consideration and/or search. Claims 22 and 23 have been cancelled. Claims 1-21 and 24-42 are submitted for consideration.

Claims 1-3 and 15-42 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,708,041 to Butovitsch. The rejection is traversed as being based on a reference that neither teaches nor suggests the novel combination of features clearly recited in independent claims 1, 24, 26, 32 and 37-42.

Claim 1, upon which claims 2-21 depend, recites a method of controlling the power with which a mobile station transmits signals to a base station. The method includes receiving from the base station at the mobile station a power control command signal, determining from the received power control command signal a parameter representative of the quality with which the power control command signal is received at the mobile station and controlling the power at which the mobile station transmits signals based on the determination step.

Claim 24, upon which claim 25 depends, recites a method of controlling the power with which a mobile station transmits signals to a plurality of base stations. The method

includes receiving from each of the base stations at the mobile station a power control command signal, determining received values of the received power control command signals, combining the determined received values of the received power control command signals and controlling the power with which ~~first~~ mobile station transmits to the base station based on the combined value.

Claim 26, upon which claims 27-31 depend, recites a method of controlling the power with which mobile station transmits signals to a base station. The method includes the steps of receiving from the base station at the mobile station a plurality of power control command signals, determining received values of the received power control command signals, determining whether to increase or decrease the power with which the mobile station transmits to the base station based on a ~~currently~~ received power control command signal and at least one received value for at least one previously received power control command signal.

Claim 32, upon which claims 33-36 depend, recites a method for controlling the power which a mobile station transmits signals to a base station. The method includes the steps of receiving from the base station at the mobile station a power control command signal, determining, using a plurality of different methods, power control information from the received power control command signal and controlling the power with which the mobile station transmits to the base station based on the determination step.

Claim 37 recites a device for a mobile station which in use transmits signals to a base station. The device includes determining means for determining from a power control command signal received from the base station a parameter representative of the quality with which the power control command signal is received at the mobile station and control means for controlling the power which the mobile station transmits signals based on the determination carried out by the determining means.

Claim 38 recites a device for a mobile station which in use transmits signals to a plurality of base stations. The device includes means for determining received values for power control command signals received from the base stations, means for combining the determined received values of the received power control command signals ; and means for controlling the power with which the mobile station transmits to the base station based on the combined value.

Claim 39 recites a device for a mobile station which in use transmits signals to a base station. The device includes means for determining the values of power control command signals received from the base station and means for controlling the power with which the mobile station transmits to the base station based on a currently received power control command signal and at least one previously received power control command signal.

Claim 40 recites a mobile station which in use transmits signals to one or more base stations. The mobile station includes means for receiving power control command signals from the one or more base stations; and a device according to claim 37.

Claim 41 recites a method of controlling the power with which a mobile station transmits signals to a base station. The method includes the steps of receiving from the base station at the mobile station a power control command signal, determining a received value for the received power control command signal, the determined received value representing the quality with which the power control command is received at the mobile station and deciding whether to increase or decrease the power at which the mobile station transmits signals on the basis of the result of the determination step.

Claim 42 recites a device for a mobile station which in use transmits signals to a base station. The device includes a controller for determining a received value for a power control command signal received from the base station, the determined received value representing the quality with which the power control command signal is received at the mobile station and deciding whether to increase or decrease the power at which the mobile station transmits signals on the basis of the result of the determination.

As outlined below, Applicant submits that the cited reference of Butovitsch does not teach or suggest the elements of the presently pending claims.

Butovitsch discloses a mobile radio cellular communication system that includes radio network controllers coupled to a plurality of base stations. The system also includes mobile stations that are in communications with the base stations. A control link between the radio network controllers permits diversity communications to and from the mobile stations via the base stations. The mobile station includes a controller connected to a RAKE receiver, a transmit power controller and a transmitter. The RAKE receiver

includes a plurality of receivers connected to a diversity combiner. Transmission from the base stations are received as multi-paths in the receivers of the RAKE receiver, combined in the diversity combiner and processed as one signal. The transmit power controller detects the power level of the received diversity combined signal. The mobile station's transmit power controller also responds to transmit uplink power control commands from the base stations to adjust its uplink transmit power up or down by an appropriate increment in accordance with the received command. Based on the power level measurement of the diversity combined signal, the controller generates transmit power control commands and transmits them via the transmitter to multiple base stations. The transmit power control commands include one or more bits which indicate a desired increase in transmit power, a desired decrease in transmit power, or no change in transmit power. Based on the received transmit power control commands, the base stations increase or decrease their transmit power by the corresponding increment. See at least Col. 4, lines 15-76 and Col. 7, lines 10-40.

Applicant submits that Butovitsch simply does not teach or suggest each element recited in any of the presently pending claims. Claim 1, in part, recites receiving at the mobile station a power control command signal, determining from said received power control command signal a parameter representative of the quality with which the power control command signal is received at the mobile station and **controlling the power at which the mobile station transmits signals** based on the determination step. Each of

independent claims 24, 26, 32 and 37-42 also similarly recite elements that refer to controlling power with which a **mobile station** transmits signal.

Butovitsch, in contrast, relates to a method of controlling the transmission power of the **base station**. Specifically, Col. 7, lines 22-40 of Butovitsch discloses that the mobile station creates power control commands on the basis of power level measurements and sends the power control commands to several base stations where the transmission power levels of the base stations are synchronized.

In addition, each of claims 1, 36, 41 and 42, in part, recites determining from the received power control command signal a parameter representative of the quality with which the power control command signal is received at the mobile station and controlling the transmission power based on such determination step. Each of claims 24 and 37, in part, recites combining the determined received values of said received power control commands signals and controlling transmission power on the basis of such combined value. Each of claims 26 and 38, in part, recites determining whether to increase or decrease the power with which the mobile station transmits to the base station based on a received power control command signal and at least one received value for at least one previously received power control command signal. Claim 32, in part, recites determining, using a plurality of different methods, power control information from said received power control command signal.

The Office Action cited Col. 7, lines 10-67 and Col. 8, lines 10-63 of Butovitsch as teaching these features. However, Applicants submit that the cited sections of

Butovitsch do not disclose any of these steps. The cited section of Butovitsch refers to sending transmit power control commands to a base station and how the base station increases or decrease it's transmit power based on the received transmit power control commands. There is simply no teaching or suggest in Butovitsch of determining from the received power control command signal a parameter representative of the quality with which the power control command signal is received at the mobile station, as recited in claims 1, 36, 41 and 42; of combining the determined received values of said received power control commands signals, as recited in claims 24 and 37; of determining whether to increase or decrease the power with which the mobile station transmits to the base station based on a received power control command signal and at least one received value for at least one previously received power control command signal, as recited in claims 26 and 38 and of determining, using a plurality of different methods, power control information from said received power control command signal, as recited in claim 32. Therefore, Applicants respectfully assert that the rejection under 35 U.S.C. §102(e) should be withdrawn because Butovitsch fails to teach or suggest each feature of claims 1, 24, 26, 32 and 37-42 and hence, dependent claims 2-21, 25, 27-31 and 33-36 thereon.

Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over Butovitsch. According to the Office Action, Butovitsch fails to teach a method as claimed in claim 13, wherein the threshold vale is in the range of -0.025 and -0.030. However, the Office Action took Official Notice that the method of claim 13 wherein the threshold value is in the range of -0.025 and -0.030 is well known in the art and it would

have been obvious to one of ordinary skill in the art to modify the teaching of Butovitsch. The rejection is traversed as being based on a reference that neither teaches nor suggests the novel combination of features clearly recited in independent claim 1, upon which claim 14 depends.

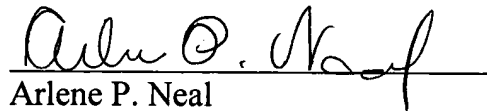
Even if Applicants accept the Official Notice that the method of claim 14 wherein the threshold value is in the range of -0.025 and -0.030 is well known in the art, which Applicants does not, as noted above, Butovitsch does not teach or suggest the combination of elements of claim 1, upon which claim 14 depends. Specifically, Butovitsch does not teach or suggest receiving at the mobile station a power control command signal, determining from said received power control command signal a parameter representative of the quality with which the power control command signal is received at the mobile station and controlling the power at which the mobile station transmits signals based on the determination step, as recited in claim 1. Therefore, Applicants respectfully assert that the rejection under 35 U.S.C. §103(a) should be withdrawn because Butovitsch fails to teach or suggest each feature of claim 1 and hence, dependent claim 14 thereon.

As noted previously, claims 1-21 and 24-42 recite subject matter which is neither disclosed nor suggested in the prior art references cited in the Office Action. It is therefore respectfully requested that all of claims 1-21 and 24-42 be allowed and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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